

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

RICHARD DASCHBACH and ELCINDA  
PERSON, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

ADVANCED MARKETING &  
PROCESSING, INC. d/b/a PROTECT MY  
CAR, a Florida corporation,

Defendant.

Case No. 1:20-cv-00706-JL

Hon. Joseph N. Laplante

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiffs Richard Daschbach and Elcinda Person ("Plaintiffs"), by and through their undersigned counsel, hereby provide notice of the attached opinion issued on October 26, 2020, in *Shultz v. TTAC Publishing, LLC*, Case No. 20-cv-04375-HSG (N.D. Cal. Oct. 26, 2020) (attached hereto as Exhibit A) as supplemental authority in support of their Response in Opposition to Defendant Advanced Marketing & Processing, Inc.'s ("Defendant") Motion to Compel Arbitration and to Dismiss Complaint, or, Alternatively, to Dismiss The Complaint for Lack of Personal Jurisdiction (dkt. 14).

The *Shultz* court denied a motion to compel arbitration and held that the parties did not agree to arbitrate disputes where the agreement was contained within an inconspicuous hybrid browsewrap agreement that failed to put users on inquiry notice.

Dated: October 26, 2020

/s/ Taylor T. Smith

V. Richard Ward, Jr. (NH Bar #14262)  
rick@vrwardlaw.com  
Law Offices of V. Richard Ward, Jr., PLLC

39 N. Main St., Unit D-3  
PO Box 1117  
Wolfeboro, NH 03894  
Tel: (603) 569-9022  
Fax: (603) 569-9022

Patrick H. Peluso\*  
ppeluso@woodrowpeluso.com  
Taylor T. Smith\*  
tsmith@woodrowpeluso.com  
Woodrow & Peluso, LLC  
3900 E. Mexico Ave., Suite 300  
Denver, CO 80210  
Tel: (720) 213-0676

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via Court's ECF system on October 26, 2020.

/s/ Taylor T. Smith  
Taylor T. Smith